

April 30, 2020

Greetings from Kitsap County Superior Court & Kitsap County District Court,

We heard from Chief Justice Stephens late yesterday afternoon. Her Order is [attached](#) to this correspondence if you have not yet received it.

JURY TRIALS

Pursuant to Chief Justice Stephens' Order, both criminal and civil jury trials remain suspended until at least July 6, 2020.

WITH RESPECT TO CIVIL MATTERS

Chief Justice Stephens' Order states: "Non-emergency civil matters may be continued until after June 1, 2020. However, courts should begin to hear non-emergency civil matters, so long as such matters can appropriately be conducted by telephone, video or other remote means, or in person with strict observance of social distancing and other public health measures."

We have the green light from the Chief Justice to proceed as planned next week. That said, I do not interpret the Order as full throttle. First, although the Order contemplates matters could be heard "in person with strict observance of social distancing and other public health measures", our transition to scheduling matters on regular calendars is not a return to business as usual. Our continued expectation is that you and your clients will appear electronically (by Zoom or telephone). Our courthouse has narrow hallways. Our courtrooms, while functional, are not spacious. The judge handling your hearing may be doing so remotely, making monitoring and enforcement of social distancing problematic.

Second, while we are moving forward, we do so in the right lane. We are conscious of the fact that limitations for you and your practice exist because of the ongoing COVID-19 pandemic. With businesses (large and small), government offices, schools, medical professionals, treatment providers, counselors and others operating on a very limited basis (if at all), obtaining evidence could be met with roadblocks. Documents, records and declarations may be elusive. The ability to have everything you need to adequately prepare for a hearing undoubtedly remains problematic. This is understood. As always, the analysis will be on a case-by-case basis - but a request for a continuance may be more liberally granted than prior to the pandemic.

Those of you who practice in the dependency arena will continue to receive communications from Commissioner Clucas as needed.

Q: WHAT ABOUT MY "EMERGENCY" MATTERS? IS THE PROCEDURE CHANGING?

A: YES.

Chief Justice Stephens' Order states: "Courts shall continue to prioritize and hear all emergency civil matters that can be heard by telephone, video, or other remote means, or in person with strict observance of social distancing and other public health measures."

Beginning May 5th, please use the *ex parte* calendar (see below) if you have a matter that may qualify as an “emergency” as defined in previously issued orders. Jennifer Kluver, Jessica Robison and the Clerk’s Office have done a phenomenal job with scheduling and logistics. But as we move into our regular calendaring we will not be able to continue the recent practice of setting matters as “special sets” at various times throughout the day.

EX PARTE

Beginning on May 5th, we will be conducting one *ex parte* calendar per day at 8:30 a.m. Again, this calendar should be accessed remotely, unless it is impossible to do so. Please follow the instructions provided by the Clerk’s Office ([correspondence attached](#)). We will continue to receive agreed / unopposed orders through email as we have been doing. Of course, regular mail remains an option.

CRIMINAL MATTERS

The expansion of calendars will not have an immediate impact on how we are handling criminal matters. The Court will hear dispositive motions for those who are in custody.

ZOOM

I can report the following courtrooms are now licensed and equipped to handle hearings using the Zoom video conferencing platform: 206, 212, 270, 271 and 272. Our goal is to have courtroom 269 licensed and equipped during the week of May 11th. Courtroom 268 is too small to accommodate safe social distancing so it will remain closed for the time being. Also, both courtrooms at our Juvenile and Family Court Services facility are licensed and equipped to handle remote hearings. This expansion of video conference capability will allow us to return to the regular calendars that you are familiar with beginning on Tuesday, May 5th.

We are not requiring that you use Zoom. Security issues regarding Zoom have been publicized. If you share those security concerns you do not have to appear using Zoom. You may appear by phone using the phone system that our courtrooms have regularly been equipped with. If you choose to appear by phone, please make sure Jennifer Kluver (JKluver@co.kitsap.wa.us) has a good phone number to reach you. You will be called from the courtroom. Please remember that you may not be called right at the outset of the calendar.

PUBLIC ACCESS

Chief Justice Stephens’ Order states: “Courts should continue to record remote hearings and to make the recording or a transcript part of the record, and should develop protocols for allowing public observation of video or telephonic hearings.”

While our courtrooms remain open for those that want to observe hearings, the Zoom platform is also available for those who want to observe court, stay home and stay safe. Information regarding public access via Zoom will be posted on our website in the near future.

BENCH COPIES

We will continue to receive bench copies via email, unless those submissions exceed 100 pages. Bench Copies can be emailed to Superior Court at: SuperiorCourt@co.kitsap.wa.us. Please remember that what you email to the Court as bench copies is not the same as filing. You must file your original submissions with the Kitsap County Superior Court Clerk's Office pursuant to their procedures. Bench copies that exceed 100 pages must not be emailed. They must be provided to the Court as hard copies by mail or other means.

SETTLEMENT CONFERENCES

We have purchased additional Zoom licenses in order to handle settlement conferences remotely. We will be able to conduct settlement conferences via Zoom or by phone next week.

DISTRICT COURT

For a variety of very good reasons, Kitsap County District Court is not able to expand their calendars at this time whilst remaining in compliance with Chief Justice Stephens' Order. Kitsap District Court is a high-volume court. They receive an immense number of filings. Because of this, for the time being, returning to regular calendars is not possible. Also, the large amount of walk-in traffic they get is problematic for purposes of proper social distancing. Judge Jahns and I talk daily, and will continue to keep you informed.

I remain optimistic as Kitsap Superior Court moves forward with more opportunities for you to be heard remotely. The transition next week may not be seamless. Your continued patience is beyond appreciated. The Courthouse remains open.

More anon, Kevin & Jeff

Kevin Hull, Presiding Judge
Kitsap County Superior Court

Jeffrey Jahns, Presiding Judge
Kitsap County District Court